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HUMAN RIGHTS IN HAITI

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 November 1991 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a document published by the constitutional Government of the Republic of Haiti concerning the coup d'état of 30 September 1991 (see annex).

I should be grateful if you would have the text of this letter and of its annex circulated as an official document of the General Assembly, under agenda item 145, and of the Security Council.

(Signed) Fritz LONGCHAMP
Ambassador
Permanent Representative

ANNEX

HAITI

THE COUP D'ETAT OF 30 SEPTEMBER 1991

DOSSIER PREPARED BY THE CONSTITUTIONAL GOVERNMENT OF THE REPUBLIC OF HAITI

FOREWORD

On 16 December 1990, the Haitian people at the polls, forcefully proclaimed their right to life, work, justice and dignity.

The minority, clinging to the privileges it derives from smuggling, drug trafficking, monopolies and the misappropriation of public funds, is, by means of force, fiercely opposing the will of the majority.

It incited the deadly attack on 5 December at Pétion-Ville, the coup d'état by Roger Lafontant from 6 to 7 January, and the many plots of the past seven months in which Daniel Narcisse, Lesly Maximilien, Jacques St.-Lot, Valcius Estinval, Isidor Pongnon, Franck Romain and Roger Lafontant himself were implicated. Finally, the coup d'état of 30 September 1991.

At a time when the press is gagged in Haiti, the constitutional Government, forced to operate clandestinely, has prepared this document in order to inform national and international public opinion about the situation.

It denounces the unconstitutionality of the selection and installation of Judge Nerette as the so-called provisional President and the many violations of human rights which made this fraudulent act possible.

It refutes the arguments put forward by General Cedras and his accomplices to justify the coup d'état.

It assesses the economic consequences of this crime after seven (7) months of efforts by the Government to remedy a disastrous situation.

Lastly, it identifies the political consequences at the national and international levels and indicates the only possible way of emerging from the impasse.

The Government hopes that this document will be useful to all patriots and friends of Haiti who are struggling to bring about the triumph of truth and democracy.

(Signed) René PREVAL
Prime Minister of the
constitutional Government

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I. THE 1987 CONSTITUTION TORN APART BY THE COUP D'ETAT OF GENERAL RAOUL CEDRAS

Introduction

During the night of 29 to 30 September 1991, a clique of soldiers headed by General Raoul Cedras carried out a coup d'état which was of a new type in that the putschists attacked the Executive Branch without formally taking control of it. The coup was followed by a succession of disruptions in the operation of the democratic and constitutional institutions, as well as many violations of rights and freedoms. In the national and international context of furthering the advance of democracy, the rebel soldiers are doing their utmost to disguise the nature of their action by strangling the Constitution.

For the information of all those concerned, we provide here a table of events as they occurred and the articles of the Constitution of which they are flagrant violations.

I.1 The coup d'état sets aside the Constitution

Nowhere in the Constitution is there provision for a coup d'état or a take-over by the Army as a regulatory or corrective mechanism.

I.2 The coup d'état against institutions

I.2.1 The Executive Branch

The Presidency

The putschists deported President Jean-Bertrand Aristide, thereby violating the principle of universal suffrage and the duration of the presidential term laid down in articles 134 and 134-1 of the Constitution, which provide:

> "The President of the Republic is elected in direct universal suffrage by an absolute majority of votes ..."

> "The term of the President is five (5) years."

The Haitian Armed Forces

The Haitian Armed Forces, as a service which is technically separate from the Ministry of Defence, form part of the Executive Branch. In carrying out a take-over, they exceeded their duties as specified in article 266 of the Constitution:

> "The duties of the Armed Forces are:
>
> (a) To defend the country in the event of war;

(b) To protect the country against threats from abroad;

(c) To ensure surveillance of the land, sea and air boundaries;

(d) At the reasoned request of the Executive Branch, to provide assistance to the Police Force when the latter is unable to handle a situation;

(e) To assist the nation in the event of a natural disaster;

(f) In addition to their regular duties, the Haitian Armed Forces may be assigned to development work."

I.2.2 The Parliament

The Parliament was convened in an unconstitutional manner to take a decision on the Executive Branch. General Cedras, de facto, provoked the convening of Parliament by declaring that, since there had been no coup d'état, the initiative lay with Parliament. Parliament met to take a decision on the alleged vacancy in the office of President of the Republic.

The Legislature, meeting unconstitutionally, determined that the constitutionally appointed Prime Minister and members of the Government had left office and, declaring that the provisions of article 148 had been exhausted, appointed a new President of the Republic, who then designated a new Prime Minister.

However, articles 101 and 105 of the Constitution provide that the Legislature cannot be convened in special session except by the Executive Branch or the President of the Republic. Neither General Cedras nor any other entity outside the Constitution can assume the right to convene Parliament.

"Article 101: In emergencies, when the Legislature is not in session, the Executive Branch may call a special session of the National Assembly."

"Article 105: In the interval between regular sessions and in emergencies, the President of the Republic may call a special session of the Legislature."

Furthermore, Parliament violated article 107 of the Constitution by deciding on a matter other than that for which it had been convened in special session by the Executive Branch when it voted on the budget for the fiscal year 1991-1992.

"Article 107: In the event that the Legislature is convened in special session, it may not decide on any matter other than that for which it was convened."

Moreover, the Legislature had absolutely no right to take a decision on the alleged vacancy in the office of President of the Republic since:

1. Article 148 of the Constitution provides for a situation where the President finds it temporarily impossible to discharge his duties, as follows:

> "If the President finds it temporarily impossible to discharge his duties, the executive authority shall be vested in the Council of Ministers under the Presidency of the Prime Minister, so long as the disability continues."

2. Article 98-3 of the Constitution provides a limitative enumeration of the powers of the National Assembly.

3. The Prime Minister, Mr. René Préval, and the members of his Government, have never resigned from their posts.

Consequently, everything that followed the convening of Parliament is unconstitutional, namely:

(a) The departure from office of the Prime Minister and the members of the Ministerial Cabinet in violation of article 137-1 of the Constitution, which provides:

> "The President of the Republic shall terminate the duties of the Prime Minister upon the latter's submission of the Government's resignation."

(b) The appointment of the provisional President;

(c) The appointment of another Prime Minister (the head of an organization for the protection of rights and freedoms who, paradoxically, has now become answerable for the violations of human rights carried out by the putschists) and the formation of any other ministerial cabinet;

(d) The appointment of General Raoul Cedras as Commander-in-Chief of the Haitian Armed Forces;

(e) The discharge without their consent, of nine officers of the Haitian Armed Forces in violation of article 267-3 of the Constitution.

> "Article 267-3: Military personnel are under the jurisdiction of a military court only for offe[illegible] and crimes committed in wartime or for violations of military discipline.
>
> "They may not be discharged, placed on inactive service, placed on half pay or retired early except with their consent. If such consent is not given, the party concerned may lodge an appeal with the court of competent jurisdiction."

(f) All documents, whatever their nature (regulatory measures, appointments, financial operations, contracts, agreements, transactions) issued by the de facto Government.

I.3 Violations of rights and freedoms

I.3.1 Violations of the right to life

The putschists fired on the private residence of President Jean-Bertrand Aristide, on the procession escorting him to the National Palace and on the National Palace itself, even though the President had his hands in the air, thereby threatening his life and the lives of those around him, wounding others and killing Private Alciné Joseph David and Captain Fritz Pierre-Louis.

By brutally firing directly into groups of unarmed civilians, the putschists killed hundreds of people in provincial towns and at Port-au-Prince, specifically, in Cité Soleil, Carrefour-Feuilles, Delmas, Tabarre, Carrefour, Sans Fil and Bel-Air. These killings and this bloodbath are in flagrant violation of the right to life proclaimed in the preamble to the Constitution and established in article 19 thereof:

> "The State has the absolute obligation to guarantee the right to life and health and the respect of the human person for all citizens without distinction, in conformity with the Universal Declaration of Human Rights."

I.3.2 Violations of individual liberties

The putschists arrested and illegally detained President Jean-Bertrand Aristide and Lieutenant-Colonel Pierre H. Chérubin, Chief of the Military Department of the Port-au-Prince metropolitan area, together with his closest associates. They arrested and detained Mr. Michel Favard, Director of Haiti National Radio. They also arrested two (2) radio correspondents at Petit-Goâve and five (5) people at Desdunes who were later beaten.

The home of the parents-in-law of Mr. Lesly Delatour was searched. The homes of the Director of SOGEBEL, Mr. Charles Clermont, of Dr. Robert Jean-Louis and Dr. Denise Fabien Jean-Louis and of Dr. Rodolphe Malebranche were also searched.

The Mayor of Port-au-Prince, Mr. Evans Paul, was illegally arrested at Maïs Gâté International Airport, where the mission of the Organization of American States is located. He was brutally beaten and arbitrarily detained (for several hours) in the Pétion-Ville prison.

Mano Charlemagne, a singer, is still being illegally detained in the national penitentiary.

Antoine Izmery, a merchant, was illegally arrested on 15 October 1991.

All this is in violation of the provisions regarding individual liberties contained in article 24 and the following articles of the Constitution, which establish the modalities for arrest and detention.

"Article 24. Individual liberty is guaranteed and protected by the State.

"Article 24-1. No one may be prosecuted, arrested or detained except in the cases determined by law and in the manner it prescribes.

"Article 24-2. Except where the perpetrator of a crime is caught in the act, no one may be arrested or detained other than by written order of a legally competent official.

"Article 24-3. For such an order to be carried out, the following requirements must be met:

"(a) It must formally state, in Creole and in French, the reason or reasons for the arrest or detention and the provision of the law that provides for punishment of the act charged;

"(b) Legal notice must be given and a copy of the order must be left with the accused at the time of its execution;

"(c) The accused must be notified of his right to be assisted by counsel at all phases of the investigation of the case up to the final judgement;

"(d) Except where the perpetrator of a crime is caught in the act, no arrest by warrant and no search may take place between six (6) p.m. and six (6) a.m;

"(e) Responsibility for an offence is personal, and no one may be arrested in the place of another.

"Article 25. Any unnecessary force or restraint in the apprehension of a person or in holding him in custody, or any psychological pressure or physical brutality, especially during interrogation, is forbidden.

"Article 25-1. No one may be interrogated without his lawyer or a witness of his choice being present.

"Article 26. No on[illegible]d for more than forty-eight (48) hours unless he has appeare[illegible]efore a judge competent to rule on the legality of the arrest and the judge has confirmed the arrest in a reasoned decision."

On the other hand, persons who are dangerous or are presumed dangerous and who were legally detained or convicted have been released without a judicial decision, including Daniel Narcisse, Faustin Méradieu, Dérius Innocent, Antonio Paul and Serge Beaulieu.

I.3.3 Violations of the right to security

President Jean-Bertrand Aristide was forced to leave the country in the company of the following persons:

Lieutenant-Colonel Pierre H. Chérubin

Jean Rilus Lebrun

Joseph Pierre Louis

Serge Sarrazin

Rosemène Rho

Clothaire Versaille

This was done in violation of article 41 of the Constitution, which provides as follows:

"No person of Haitian nationality may be deported or forced to leave the national territory for any reason whatsoever ..."

I.3.4 Violations of the right to own property

The military putschists machine-gunned many houses in areas of the city of Port-au-Prince and some provincial towns, such as Cité Lescot in Cap-Haïtien. Khaki-clad soldiers machine-gunned the private residences of the Minister of the Economy and Finance, Mrs. Marie Michèle Rey; the Minister of Information, Culture and Coordination, Mrs. Marie Laurence Jocelyn Lassegue; Mrs. Gladys Lauture and the Chief of Protocol, Mr. Joachim Elien, as well as the offices of the Minister of Information, Culture and Coordination, the Minister of Youth and Sports, and the Minister of Planning, External Cooperation and the Civil Service. They also set fire to a bakery owned by the Prime Minister, Mr. René Préval. Soldiers machine-gunned, pillaged and set fire to the home of Mr. Max Montreuil at Cap-Haïtien. Soldiers at Hinche sacked the offices of the Mouvement des Paysans de Papaye (MPP). The home of Mr. Georges Izmery was sacked, and the home of Mr. Marc Antoine Noel, Director of the Fonds d'Aide Economique et Social (Economic and Social Assistance Fund) (FAES), was machine-gunned, as were the homes of Mr. Jean Paul Toussaint, Director of the National Port Authority, and of the Mayor of Port-au-Prince, Mr. Evans Paul.

All this is in violation of article 36 of the Constitution, which provides that "... private ownership of property is recognized and guaranteed ...".

I.3.5 Violations of the freedom of expression

Mr. Michel Favard, Director of Haiti National Radio, was arrested on 29 September 1991 as he was alerting the nation to rumours of a coup d'état. Soldiers at Port-au-Prince fired on several vendors of the newspaper Haïti en Marche.

Putschist soldiers machine-gunned three radio stations: Radio Cacique, Radio Antilles and Radio Lumière. Radio Haiti International was forced off the air. All this is in violation of article 28 of the Constitution.

"Article 28. Every Haitian has the right to express his opinions freely on any matter by any means he chooses.

"Article 28-1. Journalists shall freely exercise their profession within the framework of the law. Such exercise may not be subject to any authorization or censorship, except in the case of war."

I.3.6 Violations of the freedom of assembly

The Military Department of the Port-au-Prince metropolitan area issued a memorandum prohibiting any assembly, in violation of article 31 of the Constitution:

"Article 31. Freedom of unarmed assembly and association for political, economic, social, cultural or any other peaceful purposes is guaranteed."

All these violations are designed to create a climate of intimidation and insecurity aimed at preventing the Haitian people from expressing their political choices and convictions.

Conclusion

There is only one solution to remedy this disorder: the re-establishment of constitutional order with the return to Haiti of President Jean-Bertrand Aristide.

II. THE ALLEGED JUSTIFICATIONS FOR THE COUP D'ETAT AND THE REFUTATIONS THEREOF

Introduction

The accomplices and the perpetrators of the coup d'état of 30 September 1991 against democracy in Haiti had, long before that date, engaged in a national and international campaign to pave the way for their crime and then to justify it.

They accuse the Government and the President mainly of:

- Inciting to violence;
- Forming a militia;
- Placing the Army under their control;
- Hampering the functioning of Parliament; and
- Hampering the functioning of the political parties.

The putschists and their accomplices have added lies and slander to their crimes against the Constitution.

II.1 Relations between Parliament and the Executive Branch during the Presidency of Jean-Bertrand Aristide

II.1.1 The landslide (Lavalas)

At the request of FNCD,* Jean-Bertrand Aristide officially announced his candidacy for the Presidency on 15 October 1990. His emblem was the rooster. On 16 December 1990, or two months later, despite the call for an abstention in the vote by the Komité nasyonal kongré mouvmăn démokratik - Parti du Congrès des mouvements démocratiques (KONAKOM) - the largest grouping within FNCD - without money, and after a short campaign, interrupted on 5 December 1990 by a bombing attack on his supporters, Jean-Bertrand Aristide won a landslide victory on the first round over some 10 opponents, some of whom had behind them five years of campaigning, a logistical operation in high gear and strong financial resources. The runner-up, Marc Bazin of the Alliance nationale pour la démocratie et le progrès (ANDP) - a coalition of three political parties: the Mouvement pour l'instauration de la démocratie en Haïti (MIDH), the Parti nationaliste progressiste révolutionnaire haïtien (PANPRA) and the Mouvement national patriotique du 28 Novembre (MNP-28) - came in far behind, with 13 per cent of the vote.

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* FNCD: Front National pour le Changement et la Démocratie, a recently formed coalition of small pressure groups and KONAKOM, the largest political grouping.

II.1.2 The roots of the conflict

Owing to the short duration of the campaign, the lack of financial resources and the withdrawal of KONAKOM from the electoral race, FNCD was unable to put up enough candidates in the legislative elections. However, because of the momentum of the presidential landslide, nearly all the "Kok kalite" candidates, many of whom had hastily registered at the last minute, were elected. The successful FNCD candidates made up approximately one third of the Chamber of Deputies and the Senate, with the other seats going to candidates from opposing groups, especially in areas where the "rooster" had not been visible. This was a paradoxical and conflicting situation: a President elected triumphantly on the first round, and a Parliament in the hands of parties which had been badly beaten in the presidential elections, none of them having obtained a parliamentary majority.

II.1.3 The crisis

The first skirmish

Article 137 of the Constitution reads as follows:

> "The President of the Republic shall choose a Prime Minister from among the members of the party having a majority in Parliament. In the absence of such a majority, the President of the Republic shall choose his Prime Minister in consultation with the President of the Senate and the President of the Chamber of Deputies.
>
> In either case, the President's choice must be ratified by Parliament."

As no political party had won a majority, the President of the Republic chose as Prime Minister a leading member of his immediate circle, on whose integrity, competence and militancy he could rely. This choice was not appreciated by FNCD, which believed that it was automatically entitled to the post.

Parliament's opposition to the Prime Minister, Mr. René Préval, always took on the semblance of a constitutional debate. Essentially, it was political, and the public came to realize this - hence its hostility towards Parliament, which it accused of being preoccupied with matters of detail, while the country languished, awaiting urgent solutions to most of its problems.

At the outset, the members of Parliament, acting on the basis of article 158 of the Constitution, requested the Prime Minister to announce the members of his Cabinet before making his general policy statement. Some saw this as a political manoeuvre, obviously designed to link the vote on the general policy statement to the membership of the Cabinet, inasmuch as the Senators and the Deputies, who were members of political parties, had an interest in knowing beforehand whether their allies would form part of the Government.

Finally, after a great deal of discussion and argument, the Parliament, forced by public opinion to comply strictly with article 158, heard the general policy statement, which was approved unanimously, except for one abstention, in the Senate, and unanimously in the Chamber of Deputies.

The second confrontation

Once the difficulties with regard to the appointment of the Prime Minister had been overcome, the reforms of the public service and of the judiciary gave rise to a second confrontation between the Executive Branch and the Legislature. A debate arose over the applicability of article 295 of the transitional provisions of the Constitution, which stipulates as follows:

> "Within six (6) months from the time that the first President elected under the Constitution of 1987 takes office, the Executive Branch is authorized to proceed to carry out any reforms deemed necessary in the civil service in general and in the judiciary."

In view of the circumstances in which Leslie Manigat had taken office, and since the elections of 16 December 1990 were conducted by an Interim Electoral Council (CEP), it was obvious that Jean-Bertrand Aristide was the first President elected under the 1987 Constitution. Thus, article 295 applied automatically. Others objected to this interpretation, considering that Manigat's Presidency had rendered article 295 null and void.

In a spirit of consensus and open-mindedness, the Executive Branch requested Parliament to decide on the applicability of article 295. In reply, the Legislature drew up the so-called Act of 7 March, which consisted of two (2) articles. The first article merely repeated article 295 of the Constitution. The second article required the Executive Branch to consult local elected representatives with regard to reforms in their territorial divisions.

Pursuant to this Act, the President of the Republic began by reforming the Court of Cassation where, in particular, Judge André Cherilus replaced Gilbert Austin, a Duvalierist. The Senate opposed this initial reform, claiming that it was entitled, under article 175 of the Constitution, to submit to the Executive Branch a list of three (3) candidates for each seat to be filled. Once again demonstrating his good will towards the Legislature, the President announced that he was prepared to submit to any other legislation produced by Parliament if the latter believed that the Act of 7 March was not specific enough and should be amended.

Despite the pressing need for change in the Administration expressed by the people, Parliament took one and a half months to add one short article to the Act of 7 March - that was one and a half months lost out of the six months provided by the Constitution for carrying out reforms. Obviously, the urgent need for change was not on the agenda of the members of Parliament.

In order to cancel the appointments already made, the members of Parliament attempted to make the new Act retroactive. The Executive Branch did not yield to this outrageous request, which was condemned by many jurists and even by members of Parliament who were not involved in the coup d'état, the speciously "constitutional" outlines of which were already visible.

The last round

Article 3 of the Act of 7 March required the Executive Branch to consult local elected representatives regarding reforms in their territorial divisions. Pursuant to this article, the Prime Minister invited the Senators, the Deputies, the Mayors, members of the administrative councils of the communal sections (CASECs), human rights organizations such as Justice et Paix de l'église Catholique, farmers' organizations such as the Mouvement des Paysans de Papaye (MPP) and others, to submit the names of candidates for the posts of justice of the peace, government commissioner, local police officers, and so on. The Executive Branch had fully consulted the local elected representatives, but had then extended consultations to grass-roots organizations. That procedure had two purposes: on the one hand, to remain faithful to the spirit of the Constitution which provided for the participation of the Communal Assemblies - which had not yet been constituted - in the appointment of certain officials; and, on the other hand, to ensure that such appointments were not made for the sole benefit of the political parties to the detriment of the interests of the people.

The Senate, in a letter to the Prime Minister, objected to the extension of the consultation process to the grass-roots organizations on the grounds that "... the vote embodies and exhausts the mandate of the electorate". In addition, the pressure exerted by many members of Parliament to secure the appointment of their own candidates shows that they had deliberately confused consultation and appointment. In fact, article 3 of the Act of 7 March was, for many of these individuals and for their parties, a subterfuge to allow them to take the place of the Executive Branch and to establish the public service on a basis of patronage. The appointments were, however, made without bias. The names of the candidates which appeared most frequently were retained after having been verified in the field. One example among many others: Sorel Jacinthe, a Deputy of the ANDP party, who had submitted proposals in consultation with the mayors, CASECs, peasants' organizations and representatives of the churches, had all his proposals confirmed. On the other hand, candidates proposed by FNCD representatives, who were suspected of favouritism or patronage, were rejected.

It was becoming clear that the date of 7 August, which was the expiration date for the reform period, would mark the start of a broad offensive against the Préval Government. The members of Parliament were all the more determined because of their frustration over not having been able to place their supporters in the public service, as they had hoped to do when they had drafted their famous Act.

A secret meeting here, a conspiracy there, and preparations were made to overthrow Préval at any cost. Reports circulated and confirmed the character and purpose of the official questioning of the Prime Minister, which was set for 13 August 1991.

There was great concern among the population and the large body of supporters of Father Aristide and his Government. The President, fearing the results of the questioning, addressed an open letter to the Prime Minister in which he renewed his support.

On the day of the questioning, as expected, a huge crowd gathered in front of the Parliament building to make its voice heard. The atmosphere was highly charged. Overexcited demonstrators or provocateurs seized two (2) members of Parliament and manhandled them. The meeting could not take place. The premises of the Centrale Autonome des Travailleurs Haïtiens (CATH) was set on fire and later the office of FNCD was sacked.

Notwithstanding the regret expressed by the Government and its refusal to accept responsibility or to hold the people responsible for those incidents, the members of Parliament and hostile political sectors did not hesitate, once again and without proof, to point the finger at the Government.

The Chamber of Deputies did not yield, but set 21 August as the new date for its official questioning.

They will not admit it, but the President, wishing to show his respect for Parliament, went himself to visit the Deputies with a bouquet of flowers, proposing dialogue instead of confrontation.

Following this gesture, and after hearing the Prime Minister, the Deputies decided to delay their vote until January 1992 after a noisy debate about article 129-4 of the Constitution. The Prime Minister demanded an explanation as to whether or not that article was applicable and as to the real reasons for the official questioning.

This, then, in short, is the history of the relations between the Executive Branch and the Legislature.

Contrary to what has been alleged, the Executive Branch has never pursued a policy hostile to Parliament.

The members of Parliament can, admittedly, and with reason, accuse the current Government of having firmly refused to follow tradition and accord them exorbitant privileges. That, however, is the price of the change demanded by the people in their mass vote on 16 December 1990. The Ministers and other categories of officials are also subject to it.

It should be remembered that the Executive Branch never refused to respond to Parliament's invitation. It had, moreover, become customary to hear from the press about the convoking or official questioning of one or

other of the ministers. Some wondered whether that was all the members of Parliament had to do. It should be noted that, up to the date of the official questioning of the Prime Minister, none of the laws adopted had been the result of an initiative by Parliament. All had been proposed by the Executive Branch.

The last dispute between the Government and Parliament related to the choice of Mr. Jean Robert Sabalat, former President of the Interim Electoral Council (CEP), as Ambassador to Paris. He was asked to give an account of his management of public funds. Although it was demonstrated that, by virtue of the electoral law itself, the budget of CEP was managed by the Minister of Finance, the Senate rejected the candidacy of Mr. Sabalat.

This rejection coincided with a ministerial reshuffle and the Executive Branch did not miss the opportunity to avail itself of the many contacts developed by Sabalat as a member of the electoral infrastructure during two elections supervised by many regional and international agencies and to appoint this honest and courageous citizen Minister of Foreign Affairs and Worship.

That is all that can be said briefly about the relationship between the Executive Branch and the Legislature, and it provides ample proof that the Executive Branch has never attempted to place obstacles in the way of the proper functioning of Parliament. In addition, it should be emphasized that serious efforts were made to improve relations between the Executive Branch and the Legislature following the official questioning of the Prime Minister and the visit of the President to the Chamber of Deputies. It should also be borne in mind that these institutions, which are working within the framework of a re-establishment of democracy, needed time to organize themselves and then to develop their relationships. That was being done.

II.2 Incitement to violence

The practice of "Pè Lebren" or "supplice du collier" (necklacing) was not invented by the Préval Government and therefore not under the Aristide Presidency.

The morning following 7 February 1986, the date of Duvalier's fall, the furious population killed many members of the Volontaires de la Sécurité Nationale (National Security Volunteers) (VSN) before setting fire to their bodies. Reports by foreign journalists were already referring to those incidents in unflattering terms. During the last months of 1987, local neighbourhood committees, organized in vigilante brigades were also waging battle against the agents of insecurity, whose bodies were also being burned.

After the coup d'état of 17 September 1988 against General Namphy, many henchmen of Franck Romain who had played an active role in the massacre of 11 September at Saint-Jean Bosco suffered the same fate.

Since then, the people have regarded this method as one of the most effective instruments against their enemies, not only to intimidate them but also to punish them.

The people also used the threat of "Pè Lebren" to stop the coup d'état of 6 January 1991 by Roger Lafontant and his associates.

Following the accession of President Jean-Bertrand Aristide and from the time of the first difficulties between Parliament and the Government, it became clear that the detractors of "Pè Lebren" were using it as a political tool for a systematic attack on the Government. It has often been shown, particularly in Parliament, that there was much talk of threats of "Pè Lebren" whereas in reality there were no instances of it. In cases where the threats were real, the enemies of the Government found no difficulty in blaming it because, and only because, those who employed such threats were or claimed to be its supporters. Proof of the essential link between those individuals and the Government was never produced in connection with this false propaganda.

At Croix-des-Bouquets, during the third congress of the Fédération Nationale des Etudiants Haïtiens, the President referred to "Pè Lebren". Far from being an apology for that phenomenon, President Aristide's statement was designed to demonstrate that mere condemnation in no way solved the problem, which was an expression of helplessness and anger by the population at the lack of justice. President Aristide therefore appealed to the judiciary to be conscious of its duties in order to meet the expectations of the people and thus check their tendency to take justice into their own hands. On 27 September last, on his return from the United Nations, President Aristide, without ever mentioning the words "Pè Lebren", made a speech in which he tried to adopt a dissuasive tone, having just been informed that there had been a plot to assassinate him at the airport as he was descending from the aircraft. It appeared to be an appeal for mobilization and vigilance on the part of the people massed in the courtyard of the National Palace.

In order to justify his allegations, General Cedras announced the death of the political leader, Sylvio C. Claude, allegedly a victim of "necklacing".

In the first place, it should be said that General Cedras never provided any specific information on the circumstances of this tragedy. Moreover, as he was no better informed than anyone else, he had to set up a commission of inquiry into the assassination.

It should be noted, however, that, according to press correspondents, the event did not take place until after the radio announcement of the coup d'état, while Sylvio Claude was under the protection of the Haitian Armed Forces. The death of Claude did not take place before the coup d'état and could in no way therefore have been one of the reasons for it.

The final conclusion to be borne in mind is that, since the accession of President Aristide, there have been virtually no victims of "necklacing". Why did the General not reinforce his statements on that subject with precise and detailed statistics? Moreover, the rare cases reported were not invariably political, but were often linked to cases of theft or disputes of other kinds.

Unlike General Cedras, President Aristide recently strongly condemned every form of violence, no matter of what nature, on the grounds that it is immoral to massacre a population by machine-gun on the pretext that the population has, in rare cases, used "Pè Lebren".

II.3 Formation of a militia (SSP)

A group of soldiers and civilians known as the Presidential Security Force (Service de Sécurité du Président) (SSP) was formed to ensure the personal security of the President of the Republic. This is the group which General Cedras terms a "parallel police force" established, he claims, in violation of articles 263 and 263-1 of the Constitution, and which he likens to Duvalier's infamous National Security Volunteers (VSN), or Tontons Macoutes.

The Presidential Security Force is not a parallel police force, and can in no way be compared to the Tontons Macoutes or VSN, because:

(1) Its objective is limited and specific: to ensure the personal security of the President of the Republic, which, as a special function within the general security operations, requires specific and ongoing training.

(2) The Force was constituted with the agreement of the Haitian Armed Forces, since:

(a) The limited manpower of SSP consisted of 58 members, of whom 20 were soldiers from the Infantry Unit of the General Headquarters at the National Palace and 38 were civilians known to the General Headquarters and holding identity cards issued by the SSP Coordinator and the Secretariat of the President of the Republic.

(b) Only 50 SSP members carried arms, specifically 9 mm Taurus pistols, issued and authorized by the General Headquarters.

(c) Some members already had weapons authorized by the General Headquarters and issued under the supervision of the Coordinating Committee for the Security of Electoral Activities (CCSAE) - at that time headed by Raoul Cedras - to safeguard the security of the then presidential candidate Father Jean-Bertrand Aristide.

(d) Training was carried out in a military centre (the basic training camp), with the authorization of the General Headquarters.

(3) The members of SSP were trained by three missions: United States, French and Swiss.

(a) First, a United States Secret Service Mission arrived in January 1991 after the failed coup d'état by Roger Lafontant, to train an initial group of a few civilians and about 15 soldiers recommended by the General Headquarters and the United States Embassy;

(b) Next, a French mission consisting of three members of the Security Group of the President of the Republic was sent by President François Mitterrand in March 1991 to train another group;

(c) Finally, a two-member Swiss mission arrived in September 1991, with the consent of the Swiss Federal Government, to select the members of SSP from the first two groups and to provide those selected with further training. (Reference: Testimony of the Chief of Police of Geneva.)

These three missions contacted the General Headquarters before beginning their training of the members of SSP. In addition, the first two missions participated in working sessions with Colonel Alix Silva, at that time Commander of the Infantry Unit of the General Headquarters at the National Palace.

It is therefore clear that SSP does not constitute a threat to the Haitian Armed Forces. Moreover, the coup d'état shows that the President's caution was justified. To a great extent, he owes his life to the dedication of the members of SSP.

II.4 Control of the Army

Like the other elements of the "Cedras indictment" against President Aristide, the accusation that the latter had become the new supreme and effective head of the Army was not supported by any valid explanation. Instead, Cedras merely charged the President with effecting reinstatements, in contravention of the General Regulations of the Army, and with systematically demanding either promotions or transfers for individual soldiers.

From these arguments, it seems that Cedras wants the Army to appear to be an institution whose autonomy as a specialized body gives it the status of a veritable State within the State.

Such is not the letter and spirit of the Constitution on this subject. Article 143 of the Constitution stipulates that

"The President of the Republic is the nominal head of the Armed Forces, but he never commands them in person."

This means that he is entitled to issue instructions to the Commander-in-Chief of the Army, who, in turn, is responsible for executing them. Thus, if transfers or promotions are to be effected in accordance with the wishes of the President or the Prime Minister, it is entirely just and normal that military commanders should receive instructions to that effect. This certainly does not amount to "systematic exploitation", as General Cedras wrongly claims.

Article 159-1 justifies and strengthens these considerations. This article stipulates that:

> "In concert with the President of the Republic, the Prime Minister is responsible for national defence".

How can a person be invested with such authority and not be empowered to lead, through their commander, the military forces whose duties for the defence of the country are clearly defined in article 264 of the Constitution?

Article 138 demonstrates even more clearly that, far from being an independent entity, the Army is only an instrument for safeguarding national independence and territorial integrity, of which the President is the guarantor. For this purpose, the Armed Forces are at the disposal of the President of the Republic and the Prime Minister (art. 159-1) and are thus only a technical service assigned to perform the above-mentioned duties.

Contrary to the claims of General Cedras, the Army is not a power "in itself". The Constitution recognizes only three powers: the Executive Branch, the Legislature and the Judiciary. What would become of democracy if the Army were not answerable to any authority?

It is clear that, by claiming this status for the institution he heads, General Cedras wants to assign to the Army duties other than those assigned to it under the Constitution, that is to say (as we are now witnessing), the exclusive right to set up and bring down Governments and the right to kill, rape and plunder with impunity.

As for the reinstatements denounced by General Cedras, mention should first be made of the cowardice of that officer, who himself ordered the reinstatements on instructions from the Head of State. Was he less attached to constitutional law then than he is today, or was the time not yet ripe for a take-over?

Some of the reinstated officers benefited from an amnesty granted by the President of the Republic in accordance with article 147 of the Constitution, which stipulates that the President may grant amnesty in political matters.

To create confusion, Cedras has claimed, without mentioning them by name, that Officers Fritz Pierre-Louis and Dany Toussaint, who deserted the Army in 1986, did not do so for political reasons. He asserts, rather, that they simply violated the rules governing the military and, consequently, should not

have been eligible for amnesty. In light of the fact that these officers had to desert in order to avoid carrying out the unconstitutional orders of the infamous Jean-Claude Paul to massacre the population and because they refused to become involved in drug trafficking, and that, once outside Haiti, they denounced those of their peers who were so involved, the political motives for their desertion and the General's nefarious plot are abundantly clear. In fact, the former Major, now General, was a member of the military tribunal which conducted an iniquitous trial of those officers and implacably sentenced them to two years in prison and expulsion from the Haitian Armed Forces.

One can imagine the General's mortification at President Aristide's reinstatement of these officers by virtue of the powers conferred on him under article 147. One can also imagine the mortification of other officers of the same stamp when other soldiers returned to the ranks after having been unjustly dismissed by Namphy, Regala and Avril, most of them for having believed that they could change the Army's image, particularly in the aftermath of the coup d'état of 17 September 1988. Their disappointment must have been great, and their hostility towards SSP still more virulent when they saw Captains Fritz Pierre-Louis and Dany Toussaint assume the posts of head and deputy head of the Presidential Security Force, known as SSP, which they brazenly compared to a militia of the type which Cedras himself had once admired when it served its "supreme effective leader", Jean-Claude Duvalier.

It is fitting at this point to pay a tribute to the distinguished Captain Fritz Pierre-Louis, who was assassinated at the Palace on 30 September 1991. His sense of duty and honour led him to sacrifice himself on the field of battle.

When Cedras speaks of the Government's obstruction of military justice, he is referring directly to the case of the five individuals killed at the end of July 1991. In this connection, it should be noted that here, again, the General supplies no details that could prove any such obstruction. Exactly how did the Executive Branch block a verdict against a presumed guilty party? No journalist has yet persuaded the General to be specific on this point.

Was he seeking authorization from the Executive Branch to sentence the chief defendant in the case, Second Lieutenant Richard Salomon, without a trial?

Just what Cedras is criticizing in the Executive Branch is not very clear since Lieutenant Salomon was being held in detention pending trial right up to the time of the coup d'état and is still a prisoner in the hands of the Armed Forces.

As for the fact that the status of the Commander-in-Chief of the Army was for a long time provisional, there is nothing in the Constitution that prohibits it. There is no time-limit set for the President to appoint the Commander-in-Chief of the Armed Forces. No one in the Army was disturbed by the length of the period during which General Abraham's appointment was provisional under the Presidency of Prosper Avril.

Moreover, in the case of Cedras, there could be no doubt about his imminent confirmation as Commander-in-Chief. As he was the only officer on active duty holding the rank of General, he was the natural choice for the post, in accordance with article 264-1 of the Constitution.

The question of whether or not he had been confirmed in the post did not explain and, above all, did not justify the coup d'état. Neither did the reinstatement of certain officers. The fact of the matter is that the constitutional Government had set out to take control of the military institutions through the Ministry of Defence, which administered them.

Furthermore, the purge of the Army and the reforms at other levels were clearly a threat to drug traffickers and smugglers, both military and civilian, for they began to have less room to manoeuvre.

That is the crux of the problem. The reasons for the coup d'état and the masquerade following it thus become obvious.

II.5 Corruption of justice

As justice is one of the cornerstones of Government policy, the Government had embarked on a veritable purge in order to ensure that justice was meted out according to the law and, in particular, that no one could place himself above the judiciary.

That task was particularly difficult in view of the sorry state into which the Duvalier regime had plunged the Haitian judicial system. For 34 years, justice had been sold in Haiti or carried out on the orders of Duvalier's henchmen. And when it had to be reformed, the Executive Branch, was faced with a serious problem: a tragic lack of honest, competent lawyers.

General Cedras accuses the Government of obstructing the campaign against drug trafficking because of the venality of the judges. According to him, the police arrest drug traffickers whom the courts immediately release on payment of a bribe. Under the very principle of the separation of powers, such acts or deeds are not within the competence of the President of the Republic, still less of the Government. In fact, by holding the Executive Branch responsible for judicial decisions, General Cedras is merely flaunting his total disregard for that principle. One might even go so far as to say that he is implicitly complaining that the President of the Republic did not intervene in judicial affairs in order to "rectify" the situation. To pursue this line of reasoning would be to revert to the former practices of interference by the Executive Branch in the judiciary.

The Government's efforts to control drug trafficking are so widely recognized that it would be pointless to belabour the issue. The obstacles to those efforts were, for the most part, the doing of certain members of the Army and the judiciary.

As for the blank pre-signed arrest warrants that were reportedly found in the Office of the Chief of Police, the truth of the facts should be established and investigated before any arguments are advanced.

II.6. Obstacles to the functioning of political parties

Despite the fact that most political parties fared poorly in the elections and despite the fact that the existence of political parties is yet to become as tangible and meaningful a reality in Haiti as mass movements, the President of the Republic and his Prime Minister insisted on consulting the leaders of the parties prior to the general policy statement and the formation of the Ministerial Cabinet.

As a result, members of well-known political parties were able to enter the Government or Government agencies at various levels and are to be found as ministers, secretaries of State or directors-general of autonomous agencies.

For example, when Dr. Jean-Joseph Molière of the Mouvement d'organisation du pays (MOP) was approached to become Minister of Public Health in the first Préval Cabinet and health workers objected to his appointment, his colleague Daniel Henrys, known to be close to the leadership of the Parti nationaliste progressiste révolutionnaire haïtien (PANPRA), was given the post. Moreover, members of that party hold important positions in the Ministry of Agriculture.

The Secretary of State for Justice, and the Directors of Electricité d'Haiti (Haitian Electricity Company) (EDH) and of the Loterie de l'Etat Haitien (Haitian State lottery) (LEH) are leaders of the Congrès national des mouvements démocratiques (CONACOM).

Mr. Micha Gaillard and Mr. Lucien Pardo, who are part of the leadership of the same party, refused the posts of Director-General in the Ministry of National Education and Delegate for Artibonite, the highest-ranking post in that department.

Lucien Pardo and another member of the same party, Mr. Jean-Claude Bajeux, currently serve on a presidential commission investigating certain crimes and massacres perpetrated between 1986 and the present. Patrick Henry, a member of the Front national pour le changement et la démocratie (FNCD) is also a member of that commission. It should be noted that, when the Cabinet was formed, the leaders of FNCD declined the opportunity to present candidates for ministerial posts.

Many members of various parties hold posts at other levels of the administration. Members and activists of political parties and mass organizations in the 10th department (diaspora) have been appointed to diplomatic posts.

While it is true that there was participation, there is no doubt that sectors openly hostile to the Government were excluded and appointments were influenced by the parties' positions on Government policy.

It is important to explain here the main criterion governing the formation of the Government and the appointment of officials. At no time did the President and his collaborators subscribe to the widespread philosophy of power-sharing or the fragmentation of power among the parties, on the false pretext of promoting national unity. Our history has proved that, far from genuinely attaining that goal, coalition Governments (1956-1957) have offered the sorry spectacle of a dismembered body in which petty personal interests have taken precedence over the interests of the community.

These considerations are all the more valid in that the results of the elections clearly reflected the population's lack of confidence in parties whose top leadership had ultimately disappointed it in a thousand and one ways during the long and difficult transition from 1986 to 1991.

All this leads to the following conclusions:

1. President Aristide and his Prime Minister had no obligation to form a national coalition Government;

2. The desire for efficiency, and not membership in a particular party, determined the choice of a homogeneous Government;

3. Despite the two (2) points mentioned above, the Government practised a policy of openness, which, moreover, it intended to expand. That was borne out by the President's statement of 27 September 1991 on his return from the United Nations, in which he clearly raised hopes that there would be a new phase of collaboration with the political parties.

In conclusion, the Government challenges any political party or leader to prove that it or he was in any way threatened. None of the leaders was harassed - not even the most intransigent who launched venomous attacks against the Government in the media. Not a single issue of certain daily or weekly newspapers which were filled with criticism or attacks (sometimes even outright slander or defamation) against President Aristide and the members of the Government ever met with the slightest sign of intolerance on his part.

Eddy Volel, who clamoured for the overthrow of President Aristide, was on the State radio and television regularly. So were all those who, like the trade union leader Jean-Auguste Mesyeux, demanded the Prime Minister's ouster. How, then, could General Cedras maintain that political parties could not function? As with all his arguments, he once again merely levelled accusations without producing any proof.

Conclusion

The first seven (7) months of the term of Jean-Bertrand Aristide were a constant struggle to raise moral standards and consolidate institutions. The Executive Branch was noted for respecting democratic and constitutional mechanisms in its relationships with political parties and organisations, the Parliament and the Army. There were unquestionably fewer violations of rights

and liberties. Human rights were unfailingly promoted. Even the attention the Government devoted to prisoners (witness the frequent visits of the Prime Minister and the Minister of Justice to prisons and the increase in the prisoners' rations) was criticized, even when prison conditions were woefully inadequate.

III. THE ECONOMY AND THE COUP D'ETAT

III.1 National efforts for economic recovery in jeopardy

The constitutional Government of the Republic of Haiti appeals to the Haitian Army, elected officials, civil servants, the business community (industrialists and merchants) and the entire Haitian people to reflect seriously on the consequences for the country's finances and economy of the coup d'état carried out by General Cedras and his accomplices.

In the face of the total financial and economic bankruptcy inherited from the Duvalier regime (with which General Cedras was himself closely associated) and from subsequent Governments since 7 February 1986, the Government which has been running the country since the democratic elections of 16 December has patiently exerted enormous efforts aimed at recovery, and these efforts have uncontestably begun to bear fruit;

- The systematic pilfering of State funds has ceased.
- Public revenue is up and State expenditure is under rigorous control.
- Since 7 February 1991, government employees have been paid and both domestic and foreign obligations have been scrupulously met.
- The battle against smuggling has never been waged more fiercely or more successfully.
- The increasing control exerted over customs, tax collection and State enterprises was also beginning to show very positive results.
- The budget deficit has been contained, and this has helped to stabilize our national currency.
- In accordance with article 295 of the Constitution, reforms have been undertaken in the civil service, the judiciary, State enterprises and the rural police force.

Following long and patient bilateral and multilateral discussions with all our foreign partners, discussions which were marked by a spirit of determination and mutual respect, agreements were, or were about to be, signed which would pave the way for substantial investments in all economic sectors of the country.

The first payments under these agreements were to be made before the end of 1991 and thus help to create intense economic activity.

The Government of Haiti points out that the international community has suspended all these agreements because of the actions of General Cedras and his accomplices. Our supplies of petroleum products have been interrupted. Because of Cedras and his accomplices, our country is facing a trade embargo. Economic activity in the country as a whole will be paralysed. The impact on both production and relations with our trading partners will be catastrophic.

With the slow rebuilding of confidence, thanks to the serious-mindedness, honesty and political will of the Haitian Government, both domestic and foreign private sector investments have already begun in industry and tourism.

The coup d'état carried out by Cedras and his accomplices now jeopardizes all the patient efforts painstakingly exerted to get our country started once and for all on the road to development, with a gradual elimination of unemployment and a constant improvement in the standard of living of the population as a whole.

By their irresponsible, selfish and unpatriotic actions, based on grotesquely insignificant arguments in view of the real interests of our country, General Cedras and his accomplices are taking Haiti back years behind the times.

The actions of General Cedras and his accomplices can only lead to the re-establishment of a system based on corruption, drug trafficking and smuggling, from which all the honest sectors of the country have suffered so much in the past.

The legitimate, legal Government of Haiti appeals to the patriotism, conscience and intelligence of the whole population of the country to reject and help to stop the thoughtless and criminal actions of Cedras and his little band of accomplices.

III.2 The impact of the discontinuation of foreign aid to Haiti following the military coup d'état on 30 September 1991

The elections of 16 December 1990 enabled the process of democracy to take effect in Haiti: President Jean-Bertrand Aristide was elected with more than 66 per cent of the vote. The institutions guaranteeing democracy were in the process of being established.

After taking office in February 1991 the Government of President Aristide achieved the resumption of foreign aid to Haiti, which had shown a very marked decline over the previous three years and more.

These signals elicited a positive response from those providing financial assistance to Haiti and, since February, have led to:

- The resumption of public aid to Haiti from such partners as the United States;

- The vote by the General Assembly of the United Nations on emergency assistance to Haiti;

- The setting up of a European Economic Community (EEC) mission in Haiti, making possible the initiation of negotiations between Haiti and EEC under the Lomé Convention (with the award of 120 million ECU in programmable assistance and of other forms of non-programmable assistance);

- Visits to Haiti by numerous negotiating missions, the most important being those of the representative of the Secretary-General of the United Nations in March 1991, of the Director of the EEC Directorate General for Development in May 1991, and of the Mixed French and German Commissions which met in Port-au-Prince during June 1991;

- The signing of loan and grant agreements with multilateral and bilateral agencies, as follows:

  More than $US 100.62 million with multilateral agencies such as the Inter-American Development Bank (IDB), Organisation du Développement de la Vallée de l'Artibonite (Artibonite Valley Development Organization) (ODVA II) and FAES projects, the Organization of Petroleum Exporting Countries (OPEC) (the road from Pont Sondé to Mirebalais), the World Bank (FAES, rehabilitation of the Haitian road network etc.), the United Nations (emergency assistance programme in the water sector, irrigation projects in Plaine de l'Arbre), and the World Food Programme (WFP);

  More than $US 51.14 million through bilateral cooperation with: France (study of the road link between Jérémie and Miragoane, bridge project in Trou du Nord, rehabilitation of the thermal power plants in Varreux and Carrefour); Canada (assistance in solving the energy crisis in Port-au-Prince); the United States (balance-of-payments assistance, projects in the energy and transport sectors, reconstruction of the Hyppolite market, assistance for administrative reforms etc.); China (direct financial aid); Germany (housing projects, assistance for the Hyppolite market reconstruction project etc.); Japan (rehabilitation of hospitals, programme of assistance for agricultural production, food aid) etc.;

- The commitments given by certain donors during the meeting of the consultative group in Paris, in July 1991, totalling approximately $US 511.6 million;

- The preparation of a public investment programme for the next financial year, consisting of 136 projects, 80 per cent financed from external resources.

Thus the decision by Haiti's partners to suspend diplomatic and commercial relations and other forms of cooperation with Haiti following the military coup d'état of 30 September 1991 will have disastrous consequences for the country's economy, when the Government of President Aristide had been doing everything possible to ensure its rapid recovery. The most important of those many consequences are:

- Delays in the execution of ongoing projects. Some of these delays, particularly those involving transport projects, will have immediate repercussions in the form of lost income for the temporary workers who will be deprived of their daily wages. In the agricultural sector, these delays will affect production support programmes, causing production losses and even, in certain cases, the loss of investments in activities already initiated:

(a) Delays in the implementation of the next public investment programme amounting to 1,869,513 gourdes, as follows:

- 1,734,706 gourdes in multilateral and bilateral aid;

- 67,907,000 gourdes in counterpart food aid;

- 66,907,000 gourdes under programme PL-480:

(b) Delays in the ongoing negotiations for the programming of still unprogrammed counterpart funds:

1. Food aid: The funds available at the time of the coup d'état (bank balance and debts owed by the State flour mill, the minoterie) amounted to more than 20 million gourdes, which were being programmed with such donors as Canada, France, Japan and Germany. The funds are intended to finance activities of direct benefit to the population (assistance for popular initiatives).

Other programming exercises were under way with Canada (recent consignment of wheat for the State flour mill), with the United States (more than 130 million gourdes for activities in the agricultural, health and education sectors, to support popular initiatives, etc.) and with Japan (consignment of wheat due next December).

Negotiations were under way with EEC for food aid programmes (rice, sugar, oil).

2. Balance-of-payments assistance: France and the United States had already provided financial support ($12 million in Economic Support Funds (ESF) granted by the United States, 40 million francs from France). These funds were to have been used in the import programme.

After an agreement had been signed with the International Monetary Fund (IMF), negotiations opened with such donors as Canada, IDB, the World Bank, Switzerland and the United States, which gave commitments at the Paris meeting to provide Haiti with more than $US 300 million in aid.

The European Economic Community (EEC) had already notified the Haitian Government of available funds which could amount to over $10 million: a mission was due to arrive to confirm the conditions of the aid.

- STABEX (Stabilization System for Export Earnings) programmes with EEC: EEC had just confirmed that it would grant Haiti more than $10 million under STABEX 1990. Negotiations were due to begin on the utilization of those funds.

There will be considerable delays in ongoing STABEX programmes (STABEX 87: Belladère-Baptiste road, marketing and production of coffee; STABEX 88: the southern peninsula road from Roche-à-Bateau to Anse d'Hinault).

- Microprojects: With EEC (a grant of 5 million ECU) and other partners and within the framework of FAES (a grant of $US 22 million) financing was being obtained for small projects for which local communities were directly responsible.

- Negotiations were in progress with Belgium and Japan on agricultural inputs and equipment programmes.

(c) Impact on the training of human resources. There are many Haitians improving their skills in technical cooperation programmes (fellowships for study abroad, technical assistance at home). At the moment, we are not able to say what is happening to our students on fellowships abroad. Current and future programmes have been jeopardized.

(d) Impact on the economic growth of the country. Since investment is one of the key factors of economic growth, the withdrawal of foreign aid will lead to a significant drop in investment rates.

For more than three years, with private investment at a standstill or, at times, slowed down, investment efforts were sustained by the public sector. The impact on economic growth will therefore be felt in the short, medium and long term.

In addition, the suspension of Haiti's privileges within the framework of trade agreements (Caribbean Basin Initiative (CBI)) with the United States,

the Generalized System of Preferences (GSP) with EEC, purchase agreements for petroleum products with Venezuela and Mexico, etc. will have an immediate impact on exports and thus on the assembly industry, which employs more than 30,000 people.

Macroeconomic targets (economic growth of 3 per cent, increases in income and consumption, the revitalization of the agricultural sector, inflation rates of around 7 per cent, a reasonable budget deficit, increased public investment, a rise in export earnings) cannot be achieved.

The resumption of foreign aid in the future will not be able to repair the damage caused by the coup d'état. The opportunities lost will not occur again in the same way.

III.3 The cost of military action

The senseless military coup d'état cost the country dear and a commission should be established to assess the actual cost. Such a commission should, at the very least, carry out an investigation in the following areas:

(a) Human resources

(b) Material resources

(c) Production losses

(d) Investment losses, particularly tourism

(e) Expenditure on munitions, fuel and the improper use by the Army of privately owned cars and cars owned by State enterprises and international cooperation agencies

(f) The cost of the action in hard currency

(g) Losses from tax revenue

(h) The cost of reconstructing buildings and replacing destroyed or stolen goods

(i) etc. ...

In short, only TELECO and the funeral directors will have profited from the action.

Conclusion

It is essential that President Jean-Bertrand Aristide return without delay to restore the constitutional legality of which he is the guarantor.

This will put an end to the suffering of the people who by their resistance, which reached a level even higher than at the time of the struggle to oust the dictator Jean-Claude Duvalier, are demonstrating to the whole world their determination to live freely or to die, to live in democracy or to die.

Furthermore, the unanimous wish of the civilian population, as expressed by the Council of Ministers, will coincide with that of the international community and enable all those who love freedom to consolidate the consensus around democracy.

IV. CONCLUSIONS

The coup d'état of 30 September 1991 was perpetrated not only against President Jean-Bertrand Aristide, but also against the 1987 Constitution, against the rule of law in Haiti and against elections as a means whereby the citizens can make known their choice of leaders.

The Government declares itself at one with all Haitians who want their votes to be honoured, whatever their political choice.

Even though difficulties and misunderstandings still persisted, the historic elections of 16 December 1990 were a turning-point in the history of democracy in our country. They were a real break with the past.

At the local level, the coup d'état led by General Cedras can only take our country back to the practices which were prevalent before 7 February 1991: the intensification of drug trafficking, an increase in smuggling, the return of insecurity and social unrest, instability within the Army, economic instability and the strangulation of business as a result of the lack of confidence felt by Haiti's international partners.

If their consequences are not speedily corrected, the events of 30 September 1991 threaten, after the two failed elections of 1987 and 1989, to confirm both the failure of the electoral ideal and the radicalization of the masses.

The Government considers that the defence of democracy in Haiti, and respect for the results of elections in particular, is not its concern alone. It is also the concern of every sector of the nation and of the international community, too.

The coup d'état led by General Cedras is a blow to the ideal of electoral democracy throughout the region and the world. Is there no concern that the Sandinista Army might one day drive the elected President of Nicaragua from power? Would the world accept it if President Aylwin of Chile was overthrown by the military? Is recourse to arms to be encouraged in Haiti when peace negotiations are being conducted between the Governments and the guerrilla forces in El Salvador and Colombia?

The Government of Haiti congratulates friendly Governments, international organizations and their representatives in Haiti on their firm support for democracy against the coup d'état of 30 September 1991 incited by General Cedras and a handful of putschists.

It urges them to intensify the efforts that they have already undertaken to help the Haitian people to re-establish constitutional legality.

The Government and the Haitian people thank them and assure them that they will find them at their side whenever the right of a people to self-determination is threatened anywhere in the world.

A return to legality is the only way to restore peace and continue the process of democratization in Haiti. The stages by which this can be achieved are:

(a) In the short term

1. The enforcement of measures to weaken and overthrow the regime that has resulted from this masquerade (in particular, an embargo).

2. The removal of the putschists (about 15 officers).

3. The immediate dispatch of an observer mission from the Organization of American States (OAS).

4. The immediate return of President Aristide.

5. A guarantee for the Army, and for the rank and file in particular, that there will be no retribution. A lasting appeal to the population not to engage in reprisals and to renounce violence as a means of taking revenge.

(b) In the medium term

1. Acceleration of the plan to separate the Police Force from the Army, as envisaged by the Constitution.

2. Dialogue with political groups to strengthen stability.

3. Dialogue with the various sectors of the civilian population.

4. The harmonization of relations between the different State authorities: the Executive Branch, the Legislature and the Judiciary.

5. Continuation of the policy of restructuring the administration, in particular the administration of justice.

6. The strengthening of cooperation with friendly countries and with international aid and financial institutions: the implementation of international agreements drawn up before the coup d'état.